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BEFORE THE FEDERAL ELECTIONS COMMISSION

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

2008 OCT 31 A 11: 39

RE-ELECT CONGRESSMAN KUCNINCH COMMITTEE
550 East Walnut Street
Columbus, Ohio 43215

Complainant,

MUR No: 6/26

v.

REPUBLICAN SENATE CAMPAIGN COMMITTEE
J. MATTHEW YUSKEWICH, TREASURER
4679 Winterset Drive
Columbus, Ohio 43220

Respondents.

COMPLAINT

Complainant files this Complaint against the Republican Senate Campaign Committee (RSCC), J. Matthew Yuskewich, Treasurer, for violations of the electioneering communication provisions of the Federal Election Campaign Act and Federal Election Commission regulations, as described below.

Facts

The RSCC is a legislative campaign fund registered with the Ohio Secretary of State.

The RSCC produced a political advertisement entitled "Oh Brother" in support of the Republican Party candidate running for the Ohio State Senate, 24th District, against Gary Kucinich, the Democratic Party candidate for the office and the brother of Congressman Dennis Kucinich. As the advertisement begins, a photograph of

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Congressman Dennis Kucinich is displayed, and a voiceover states, "[o]h brother. Dennis Kucinich's brother is running for State Senate." (An electronic copy of the advertisement is enclosed).

The RSCC has spent in excess of \$10,000 to purchase media time for its "Oh Brother" advertisement in 2008, including at least \$17,300 to a NBC affiliate for airtime on October 14 and 15, 2008, as well as at least \$49,975 to a FOX affiliate during a similar period.

To date, the RSCC has not filed a notice of electioneering communications – FEC Form 9 - with the Federal Election Commission.

The RSCC Has Failed to File FEC Form 9

An electioneering communication is defined as a "broadcast, cable, or satellite communication" that (1) refers to a clearly identified candidate, (2) is made within 60 days before a general election and, (3) is targeted to the relevant electorate. See 2 U.S.C. §434(f)(3)(A)(i). Every person or entity that makes disbursements for electioneering communications aggregating in excess of \$10,000 during a calendar year must report these disbursements by submitting FEC Form 9. Further, every subsequent disbursement for electioneering communications made by the same person or entity that aggregate in excess of \$10,000 requires the person or entity to file another notice.

Congressman Dennis Kucinich is seeking re-election to United States House of Representatives, State of Ohio, 10th District, at the November 4, 2008 General Election. By including Congressman Dennis Kucinich's spoken name and photograph in its "Oh Brother" advertisement, the RSCC refers to a clearly identified candidate. Further, the

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Cleveland-area television stations running the RSCC advertisement are those that also serve Dennis Kucinich's Congressional district.

The RSCC has clearly met the threshold for filing FEC Form 9, but has failed to do so. Accordingly, Respondents have violated the Federal Election Campaign Act. Complainant respectfully requests that Respondents be enjoined from further violations, be required to repay their illegal contributions, and be fined the maximum amount permitted by law.

BY: Donald J. McTigue
Donald J. McTigue, Treasurer
Re-Elect Congressman Kucinich
Committee

Sworn to before me and subscribed in my presence, this 30TH day of OCTOBER, 2008.

Mark Alan McGinnis
Notary Public

MARK ALAN MCGINNIS
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03